

1 APPEARANCES (Cont'd):

2 MS. CAROLINE HERMELING
190 Corondolet, Suite 600
3 St. Louis, Missouri 63105
Appearing for Amoco Pipeline Company,
4 n/k/a B.P. Pipelines (North America), Inc.
(telephonically);

5
MR. STEVEN CIANFARINI
6 527 East Capitol Avenue
Springfield, Illinois 62701
7 Appearing for Staff (telephonically).

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21 SULLIVAN REPORTING COMPANY, by
Christine L. Kowalski, RPR

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2	<u>Witnesses:</u>	<u>Direct</u> <u>Cross</u>	Re- Re- By <u>direct</u> <u>cross</u> <u>Examiner</u>
3	(None.)		
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7		<u>E</u> <u>X</u> <u>H</u> <u>I</u> <u>B</u> <u>I</u> <u>T</u> <u>S</u>	
8	<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
9	(None so marked.)		
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1 JUDGE RILEY: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call
3 Docket 02-0349. This is a petition by the
4 Department of -- the Illinois Department of
5 Transportation versus Amoco Pipeline Company now
6 known as B.P. Pipe Lines, North America,
7 Incorporated, for approval of the taking or damaging
8 of certain properties owned by a public utility in
9 Cook County, Illinois by exercising the right of
10 eminent domain.

11 Mr. Felder, again for the Attorney
12 General, would you enter an appearance.

13 MR. FELDER: For the Department of
14 Transportation, my name is Douglas Felder,
15 F-e-l-d-e-r, 20 South Clark Street, Suite 2000,
16 Chicago, Illinois 60603.

17 JUDGE RILEY: And Ms. Hermeling?

18 MS. HERMELING: Your Honor, my name is Caroline
19 Hermeling, H-e-r-m-e-l-i-n-g. I am entering my
20 appearance on behalf of B.P. Pipe Lines, North
21 America, Inc. My address is 190 Corondolet
22 (phonetic), Suite 600, St. Louis, Missouri 63105.

1 JUDGE RILEY: That's 190 Corondolet, right?

2 MS. HERMELING: Yes.

3 JUDGE RILEY: Okay. Thank you.

4 And Mr. Cianfarini, would you --

5 MR. CIANFARINI: Yes. I'm entering an appearance
6 on behalf of the Illinois Commerce Commission. I'm
7 located at 527 East Capitol Avenue, Springfield,
8 Illinois 62701. And my last name is spelled
9 C-i-a-n-f-a-r-i-n-i.

10 JUDGE RILEY: Thank you.

11 And, Mr. Felder, I'm going to turn
12 back to you and see if you can -- would you give us
13 an update on where we are in this matter.

14 MR. FELDER: Yes, I would, thank you. I have
15 circulated a draft of a proposed stipulation which
16 Ms. Hermeling has reviewed and is forwarding to her
17 clients for review.

18 We are attempting to resolve this
19 matter expeditiously, whether by this stipulation or
20 by a short setting of a hearing date, at which time
21 we would put on the testimony of the Department of
22 Transportation engineer who could provide a

1 description of the -- of the property that is needed
2 and the pipeline in this area.

3 We are making progress toward a
4 resolution of the matter, and I think we're at the
5 point where we will know very shortly if we can
6 resolve it through the stipulation process or if we
7 just need to set a short hearing date and bring in
8 the Department's engineer who can then testify. And
9 we can hopefully mark the matter as taken and heard
10 (sic) at that time.

11 JUDGE RILEY: Ms. Hermeling, is that essentially
12 your understanding?

13 MS. HERMELING: Yes, it is your Honor. My only
14 suggestion is, you know, from the standpoint of
15 keeping it expedited, I don't want to bank on the
16 fact that we can get the stipulation entered. So if
17 we can set it for a short hearing, then if we can
18 get the stipulation done beforehand, great; but
19 otherwise, IDOT will be protected to kind of have
20 the hearing date as a fallback so that they can put
21 on the evidence.

22 JUDGE RILEY: So it's either the stipulation or

1 the hearing is what we're talking about?

2 MS. HERMELING: Correct.

3 JUDGE RILEY: Okay. Mr. Cianfarini, have you
4 seen the stipulation in this matter?

5 MR. CIANFARINI: No, your Honor.

6 JUDGE RILEY: Mr. Felder, could you fax a copy of
7 that to him, also.

8 MR. FELDER: Yes, I will.

9 JUDGE RILEY: Okay. Now, how much time are we
10 talking about to get this stipulation circulated to
11 everyone and to get a response?

12 Ms. HERMELING: Doug, did you get a sense of what
13 the timing was from the standpoint of the ICC? And
14 I don't know whether Mr. Cianfarini has an
15 understanding of when the ICC meets in July so that
16 we can --

17 MR. FELDER: Yes. I did get a little -- I did
18 get some understanding. It would appear -- I'm not
19 sure, Judge, you help me with this if you would.

20 But if we had a hearing or if we
21 had a stipulation on file by the first -- say that
22 first few days of July, that would be like before

1 the 4th, either the 1st, the 2nd or the 3rd...

2 JUDGE RILEY: Okay.

3 MR. FELDER: Would -- is it your understanding
4 that if things were in order at that time we could
5 make the July 10th agenda?

6 JUDGE RILEY: That would be a virtual
7 impossibility.

8 MR. FELDER: That's impossible?

9 JUDGE RILEY: Right, yeah.

10 MR. FELDER: Okay.

11 JUDGE RILEY: But there is a regular open meeting
12 on the 16th and there's another bench session on the
13 24th.

14 MR. FELDER: How about the 16th? Would we make
15 that?

16 JUDGE RILEY: That is a possibility.

17 MR. FELDER: Okay.

18 JUDGE RILEY: I would have to get permission, but
19 it is a possibility. I couldn't guarantee it, but
20 I'd certainly make every effort to get it on there
21 at that time.

22 MR. FELDER: Okay. Well, I think if we -- I

1 think that's about as late as I can go at the
2 present schedule.

3 JUDGE RILEY: Okay.

4 MR. FELDER: If we could do it the first part of
5 July and get on that 16th agenda, then I think that
6 will meet our schedule.

7 JUDGE RILEY: Okay. Well, then it's a question
8 of getting that stipulation circulated just as
9 rapidly as possible.

10 MR. FELDER: Yes.

11 JUDGE RILEY: And if it is -- if everyone is in
12 agreement with it, then get it filed on the
13 e-Docket.

14 MR. FELDER: And then I'll advise -- I'll send a
15 copy to you and advise you of the filing.

16 JUDGE RILEY: Advise me immediately that it's on
17 there --

18 MR. FELDER: Okay.

19 JUDGE RILEY: -- and that the -- you know, that
20 everyone is in agreement, in accord. And if that is
21 done by the first week in July, then I think the
22 16th is realistic.

1 MR. FELDER: Okay.

2 JUDGE RILEY: Again, I can't guarantee it, but I
3 can make every effort to get it on for that time.

4 In the meantime, as a fallback,
5 we're going to need a hearing date.

6 MR. FELDER: Yes.

7 JUDGE RILEY: What do the parties propose?

8 MR. FELDER: That first week in July, Carrie, is
9 that enough for you, you think?

10 MS. HERMELING: Oh, from the standpoint of the
11 hearing date? That's fine, yeah. I mean, I've got
12 next week to get this pinned down, so --

13 MR. FELDER: Okay.

14 MS. HERMELING: I mean, I think you and I should
15 be able to do that.

16 JUDGE RILEY: My only question, that being a
17 holiday week, will the witness be available?

18 MR. FELDER: Yes.

19 JUDGE RILEY: The witness will be -- okay.

20 I was going to propose Tuesday,
21 July 2nd, at 10:00 a.m.

22 MR. FELDER: That's a rough day for me. I can

1 make it, but I'm not -- it would have to be in the
2 afternoon.

3 JUDGE RILEY: What about July 3rd?

4 MR. FELDER: July 3rd is fine for me.

5 JUDGE RILEY: Ms. Hermeling?

6 MS. HERMELING: That's fine.

7 JUDGE RILEY: Mr. Cianfarini?

8 MR. CIANFARINI: That's fine, Judge.

9 JUDGE RILEY: Okay. What I will do is I will
10 make that at 11:00 a.m. on July 3. And that will be
11 for hearing, should it be necessary.

12 And, again, if the matter -- if
13 the stipulation is filed with our e-Docket and all
14 parties are in accord, that will obviate the need
15 for the hearing. We will not --

16 MR. FELDER: If we get a --

17 JUDGE RILEY: -- have to reconvene.

18 MR. FELDER: If we get a signed stipulation, I
19 will take care of that and advise you immediately.

20 JUDGE RILEY: Okay. Did I say that was 11:00
21 a.m.?

22 MR. FELDER: Yes.

1 JUDGE RILEY: Okay. Then I guess the next order
2 of business is simply to get the stipulation to the
3 Staff and see if everybody's gets on board and find
4 out whether or not there is an issue or not.

5 MR. FELDER: Right.

6 JUDGE RILEY: Anything further from the Attorney
7 General?

8 MR. FELDER: No, I think that sums it up.

9 JUDGE RILEY: Ms. Hermeling, anything further?

10 MS. HERMELING: No.

11 JUDGE RILEY: Staff, did you have anything
12 further?

13 MR. CIANFARINI: No.

14 JUDGE RILEY: All right then. I will continue
15 this matter to July 3 at 11:00 a.m. pending the
16 receipt of the stipulation, and we'll just see where
17 we go from there. Thank you.

18 (Whereupon, further proceedings
19 in the above-entitled matter
20 were continued to July 3, 2002,
21 at 11:00 a.m.)

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